THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 298 of 2006

Date: 24.03.2006

Between:

The General Manager, State Bank of India, Hyderabad & another

…… Appellants.

And

K. Sambasiva Rao

……. Respondent

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 298 of 2006

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard Sri E. Madan Mohan Rao, learned counsel for the appellants and Sri

M.V.L. Srinivas, learned counsel for the respondent and at their request, the main appeal itself is taken up for disposal at the stage of admission.

The appellants are the respondents in W.P.NO.7173 of 2005 filed at the instance of the respondent herein wherein he sought for declaration that the action of the appellants in not permitting him for voluntary retirement from bank service on medical grounds as illegal and arbitrary.

The learned Single Judge, having taken into consideration the respective submissions put forward by the learned counsel on either side, through the order under appeal, disposed of the writ petition, directing the appellants to pass final orders on the application of the respondent seeking voluntary retirement on medical grounds, on the basis of the reports and material produced by him.

The only submission made on behalf of the appellants is that having regard to the fact that a Medical Board has been constituted separately for the purpose of examining all such cases, necessarily the respondent herein has to come through the said Board and on the opinion of which the ultimate conclusion would be rested, therefore, the direction to the effect that the appellants should straight away consider the case of the respondent is not proper.

Having considered the submissions of the learned counsel on either side and also on perusal of the material, we are satisfied that there cannot be any dispute to pass the case of the respondent through the medical board constituted by the appellants herein. It is always open for the respondent to place reliance on such material i.e. documents etc. in his support before the Medical Board, which on taking into consideration the same, should give an appropriate report.

Subject to the above modification, the writ appeal is disposed of. There shall be no order as to costs.

-------- ----------

(B.PRAKASH RAO.J)

(D. APPA RAO.J)

ksld

Dt.24.03.2006